

**REMARKS**

As requested by the Examiner, Applicant attaches a copy of the original Form PTO/SB/08 A & B, together with a copy of Applicant's filing receipt showing that the Form was, in fact, filed on October 31, 2005.

Applicant requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, in view of the above amendment to claim 12 which deletes the language the Examiner had misinterpreted.

The Examiner issues the following three prior art rejections:

(1) Claims 12 and 18-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Koyama '988;

(2) Claims 13-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koyama '988 in view of Bokhari '634; and

(3) Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koyama in view of DeSantis '395.

Applicant respectfully traverses these rejections.

Rejection (1) based on anticipation requires that Koyama describe, either expressly or inherently, each limitation of each of claims 12 and 18-22, or in other words, that each of claims 12 and 18-22 be **readable** on Koyama's disclosure. Applicant respectfully submits that clearly such is **not** the case here.

### **Claim Amendments**

In claims 12, 14, 15, 18, 19, 20, 21, 22, the expression "conductive path" has been changed to "conductive track" in order to emphasize that, as described in Applicant's specification, this track is part of the printed circuit board, and, therefore, not just any electrical, connection as implied by the Examiner.

Claim 12 has been further amended by reciting that the mechanical contact zone bears on the conductive part of the case. The amendment is supported by the specification and in particular by Figures 2, 3 and 4 which clearly show that the PCB bears upon the conductive middle of the case.

The limitation that the "conductive track [is] electrically connected to said ground plane" is supported by the specification (page 7, lines 1 to 4; page 8, lines 25-28) as well as by Figure 2.

### **The Prior Art**

Claim 12 (and its dependent claims) cannot be anticipated by, or even rendered obvious by, Koyama, alone or in combination with either Bokhari '634 or DeSantis '395, because the manner in which Applicant's claimed "ground plane" is connected to the "electrically conductive part of the case" is quite different from the manner taught by Koyama. Thus, the three references, alone or in combination, neither expressly nor inherently disclose all of the limitations of claims 12-22, or subject matter which would have rendered any of these claims obvious under 35 U.S.C. § 103(a).

More specifically, according to Koyama, the conductive part of the case is the back cover. The back cover is separated from the PCB 2 by plastic members 5. Electrical contact

between the back cover and the ground plane (ground pattern) 15 is provided through the battery 6 (column 10, lines 42-45). Furthermore, according to Koyama, the conductive part of the case is apparently limited to the back cover. Therefore, since the middle of the case **not** electrically conductive, the enlargement of the ground plane is absolutely **not "located substantially in the plane containing the ground plane of the antenna"**, contrary to what is required by Applicant's independent parent claim 12.

Thus, Applicant respectfully submits that claims 12 and 18-22 are **not anticipated** by Koyama, i.e., are not readable on Koyama.

Thus, and with respect to rejections (2) and (3), since Koyama does **not teach** "all of the limitations of claim 12", as asserted by the Examiner, it is also clear that Koyama in combination with Bokhari or DeSantis does **not** disclose, or even suggest, **all of the limitations** of the dependent claims 13-17. (From the Examiner's comments, it appears that rejection (2) should refer only to claim 13, and that rejection (3) should refer to claims 14-17.)

In other words, in view of the above-described deficiency in Koyama's disclosure relative to the independent parent claim 12, it is clear that Koyama, when combined with either Bokhari or DeSantis, is **incapable** of disclosing, or even suggesting, **all of the limitations** of the dependent claims 13-17. Thus, not only would there be no motivation to combine Bokhari or DeSantis with Koyama, but also, even if such a combination/modification were made, that is, even if Koyama were modified to contain Bokhari's "microstrip antenna" and/or DeSantis's "conductive elastomer", there would not be produced the subject matter of the dependent claims 13-17, or subject matter which would have rendered these claims obvious.

AMENDMENT UNDER 37 C.F.R. §1.111  
U.S. APPLN. NO. 10/554,916

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 112, second paragraph, 35 U.S.C. § 102(e), and 103(a), and to find the application to be in condition for **allowance with all of claims 12-22**; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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